

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

March 10, 2009

Charles R. Fulbruge III  
Clerk

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No. 08-50254  
consolidated with  
No. 08-50325  
Summary Calendar

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UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ROBERT SWANSON

Defendant-Appellant

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Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 5:05-CR-734-ALL

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Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Robert Swanson (Swanson) in appeal No. 08-50254 has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Swanson has filed a response. Our independent review of the record, counsel's brief, and Swanson's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for

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\* Pursuant to Fifth Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Fifth Circuit Rule 47.5.4.

No. 08-50254  
c/w No. 08-50325

leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and appeal No. 08-50254 IS DISMISSED. *See* 5th Cir. R. 42.2. The denial of relief in appeal No. 08-50325 IS AFFIRMED.